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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,053	05/22/2001	Paul G. Allen	4000.2.40	9776

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EXAMINER
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SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/863,053

Applicant(s)

ALLEN ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15, 20-29, 31-47 and 49-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 20-29, 31-47 and 49-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/11/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10-14, 29, 31-33, 35, 38, 41-44, 47, 49-51, 53-56 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (U.S. Patent No. 5,671,267) in view of the Nokia 252C Cell Phone Owner's Manual.

Referring to claim 1, August discloses a remote control for an interactive television system (see remote control 10 in Figure 1).

August also discloses that the remote control comprises a memory to store a list of contacts (see memory 136 in Figure 2 and Column 5, Lines 43-45 and Column 7, Lines 60-63), each contact represented by an address (see Figure 5 for the contact

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"Mom" having the telephone number (address) "908-555-1234") for establishing communication with the contact via the interactive television system and text for selecting the contact (again note Figures 2 and 5 for communicating with set-top box 32, which establishes communication with the contact ("Mom") via the interactive television system (see Column 9, Lines 48-52)).

August also discloses that the remote control comprises a display device to display at least a portion of the text representing contacts (see display 325 in Figure 3 and Column 7, Lines 60-63).

August also discloses that the remote control comprises a plurality of user controls to receive a user selection of the text representing a particular contact from the list (see Column 7, Lines 54-65), the user controls further being configured to remotely operate the interactive television system (see Column 8, Lines 3-17).

August also discloses that the remote control comprises a wireless transmitter (see duplexer 119 in Figure 2) to transmit the address corresponding to the selected contact to the interactive television system (see Column 4, Line 66 through Column 5, Line 20 and Figures 2 and 5) to initiate communication between a user and the selected contact (see Column 9, Lines 27-35 and Figure 5).

August fails to teach a single button to selectively add a new contact from a displayed list to the contact list without requiring the user to manually enter information about the new contact.

The Nokia 252C Owner's Manual teaches a single button to selectively add a new contact from a displayed list to the contact list without requiring the user to manually enter information about the new contact (see Page 34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the telephone contact list, as taught by August, to single button contact addition functionality, as taught by the Nokia 252C Owner's Manual, for the purpose of allowing a user to customize his/her telephone (see Page 28 of the Nokia 252C Owner's Manual).

Referring to claim 2, August discloses that the display device comprises an LCD (see Column 5, Lines 40-43).

Referring to claim 3, August discloses a microphone to capture a first audio signal for transmission to the interactive television system via the wireless transmitter (see Column 5, Lines 17-20).

Referring to claim 4, August discloses a wireless receiver to receive a second audio signal and a speaker configured to generate audible output from the second audio signal (see Column 5, Lines 10-17).

Referring to claim 5, August discloses that the speaker and the microphone are further to operate simultaneously to provide two-way audio communication with the

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contact via the interactive television system (see Column 5, Lines 10-17 and Figure 5 and Column 9, Lines 27-56).

Referring to claim 6, August discloses that one address comprises a network address (see the telephone number for "Mom" in Figure 5 and note that a telephone number is a network address).

Referring to claim 7, see the rejection of claim 6 where August teaches a telephone address.

Referring to claim 10, August discloses a contact entry component to receive a user selection of a new contact to be entered into the list of contacts (see Column 7, Lines 63-65).

Referring to claim 11, August discloses that the user controls are further to permit entry of a new contact into the list of contact stored in the memory (see the rejection of claim 10).

Referring to claim 12, see the rejection of claim 10.

Referring to claim 13, August discloses that the user controls are further configured to select a contact from the list (see Column 7, Lines 60-63) being displayed

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by the interactive television system (see Figure 5 for the television displaying the "Mom" contact) as the new contact (the examiner notes that at Column 7, Lines 63-65 a new contact can be entered and a contact can also be displayed on the TV in Figure 5, therefore, a new contact can be displayed after he/she has entered the new contact).

At the time the invention was made, it would have been obvious for a person of ordinary skill in the art, to select a new contact the first time after the user has entered the new contact into the contact list, for the purpose of facilitating ease of use for the user (see Column 4, Lines 9-12 of August).

Referring to claim 14, August discloses that the user controls are further configured to select a contact from the list (see Column 7, Lines 60-63) being displayed by the interactive television system (see Figure 5 for the television displaying the "Mom" contact) as the new contact (the examiner notes that at Column 7, Lines 63-65 a new contact can be entered and a contact can also be displayed on the TV in Figure 5, therefore, a user may contact a person in the contact list more than once, causing the user to contact another subscriber that the user has previously communicated with.

At the time the invention was made, it would have been obvious for a person of ordinary skill in the art, to select a contact the user has previously communicated with, for the purpose of facilitating ease of use for the user (see Column 4, Lines 9-12 of August).

Referring to claim 29, August discloses a system for providing two-way communication using an interactive television system (see Figures 5 and Column 9, Line 48 through Column 10, Line 58).

August also discloses a remote control to control operation of the interactive television system (see remote control 10 in Figure 1).

August also discloses that the remote control comprises a storage component to store a list of contacts (see memory 136 in Figure 2 and Column 5, Lines 43-45 and Column 7, Lines 60-63), each contact having an associated address (see Figure 5 for the contact "Mom" having the telephone number (address) "908-555-1234") for establishing contact via the interactive television system (again note Figures 2 and 5 and Column 9, Line 48 through Column 10, Line 58 for communicating with set-top box 32, which establishes communication with the contact ("Mom") via the interactive television system (see Column 9, Lines 48-52)).

August also discloses that the remote control comprises a display component to display at least a portion of the list of contacts (see display 325 in Figure 3 and Column 7, Lines 60-63).

August also discloses that the remote control comprises a user selection component to receive a user selection of a contact from the list (see Column 7, Lines 54-65), the user controls further being configured to remotely operate the interactive television system (see Column 8, Lines 3-17)).

August also discloses that the remote control comprises a transmission component (see duplexer 119 in Figure 2) to transmit the address corresponding to the



selected contact to the interactive television system (see Column 4, Line 66 through Column 5, Line 20 and Figures 2 and 5) to initiate communication between a user and the selected contact (see Column 9, Lines 27-35 and Figure 5).

August also discloses that the remote control comprises a contact entry component to receive user selections of new contacts to be entered into the list of contacts (see Column 7, Lines 63-65 and **note the arguments above regarding August teaching the entry of user contacts into a contact list**).

August fails to teach a single button to selectively add a new contact from a displayed list to the contact list without requiring the user to manually enter information about the new contact.

The Nokia 252C Owner's Manual teaches a single button to selectively add a new contact from a displayed list to the contact list without requiring the user to manually enter information about the new contact (see Page 34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the telephone contact list, as taught by August, to single button contact addition functionality, as taught by the Nokia 252C Owner's Manual, for the purpose of allowing a user to customize his/her telephone (see Page 28 of the Nokia 252C Owner's Manual).

Referring to claim 31, August discloses that the contact entry component further comprises a manual entry component to receive a new contact manually entered by the user (see Column 7, Lines 63-65).

Referring to claim 32, August discloses that the user controls are further configured to select a contact from the list (see Column 7, Lines 60-63) being displayed by the interactive television system (see Figure 5 for the television displaying the "Mom" contact) as the new contact (the examiner notes that at Column 7, Lines 63-65 a new contact can be entered and a contact can also be displayed on the TV in Figure 5, therefore, a new contact can be displayed after he/she has entered the new contact).

At the time the invention was made, it would have been obvious for a person of ordinary skill in the art, to select a new contact the first time after the user has entered the new contact into the contact list, for the purpose of facilitating ease of use for the user (see Column 4, Lines 9-12 of August).

Referring to claim 33, August discloses that the user controls are further configured to select a contact from the list (see Column 7, Lines 60-63) being displayed by the interactive television system (see Figure 5 for the television displaying the "Mom" contact) as the new contact (the examiner notes that at Column 7, Lines 63-65 a new contact can be entered and a contact can also be displayed on the TV in Figure 5, therefore, a user may contact a person in the contact list more than once, causing the user to contact another subscriber that the user has previously communicated with.

At the time the invention was made, it would have been obvious for a person of ordinary skill in the art, to select a contact the user has previously communicated with,

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for the purpose of facilitating ease of use for the user (see Column 4, Lines 9-12 of August).

Referring to claim 35, August discloses a set-top box 32 in Figure 5 having a wireless receiver (antenna 214 and duplexer 215 in Figure 2) for receiving the address corresponding to the selected contact from the remote control (see Column 4, Line 66 through Column 5, Lines 1-11 and Column 6, Lines 35-57), the set top box 32 being further configured to establish two-way communication with the selected contact via the interactive television system (see Column 9, Line 48 through Column 10, Line 44).

Referring to claim 38, August discloses that the set top box comprises a telephone network component configured to initiate communication with the selected contact via a telephone network (see telephone circuit 211 in Figure 2).

Referring to claims 41-44, see the rejection of claims 1, 3 and 6-7, respectively for August teaching these limitations.

Referring to claims 47 and 49, see the rejection of claims 10 and 12, respectively for August teaching these limitations.

Referring to claims 50-51, see the rejection of claims 32-33.

Referring to claim 53, August discloses storing a visual identifier associated with each contact (see Column 7, Lines 60-63), the visual identifier being viewable by a user to identify an associated contact, wherein the display device is further configured to display the visual identifier (see Figure 5 for displaying a name and phone number on the remote control).

Referring to claim 54, August discloses that the identifiers comprise a plurality of characters forming a name of the contact (see Figure 5 for displaying the characters "Mom").

Referring to claim 55, see the rejection of claim 1.

Referring to claim 56, August discloses that the visual identifiers comprise an iconic symbol (see Column 5, Lines 35-39).

Referring to claim 59, see the rejection of claim 1.

Referring to claims 60-61, see the rejection of claims 1 and 29.

3. Claims 8, 36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (U.S. Patent No. 5,671,267) in view of the Nokia 252C Cell Phone Owner's Manual in further view of Doganata et al. (U.S. Patent No. 6,772,436).

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Referring to claim 8, August and the Nokia 252C Cell Phone Owner's Manual teach all of the limitations in claim 7, but fails to teach that the network address designates a second interactive television system.

Doganata discloses two interactive television systems that can communicate with one another via a conference call in relation to a specific television program that the viewers are watching (see Figure 1 and Column 3, Line 25 through Column 4, Line 20).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the interactive television system, as taught by August and the Nokia 252C Cell Phone Owner's Manual, to include an additional interactive television system, as taught by Doganata, for the purpose of providing system that enable TV viewers to participate in audio conferences that are directly linked to the TV programs that they are watching (see Column 2, Lines 11-14 of Doganata).

Referring to claims 36 and 45, see the rejection of claim 8.

4. Claims 9 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (U.S. Patent No. 5,671,267) in view of the Nokia 252C Cell Phone Owner's Manual in further view of Katzur (U.S. Patent No. 6,240,303).

Referring to claim 9, August and the Nokia 252C Cell Phone Owner's Manual disclose all of the limitations in claim 3, but fails to disclose a voice recognition system.

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Katzur discloses a voice recognition system (see Column 3, Lines 58-65) comprising a storage component configured to store at least one digitized verbal identifier for at least one contact of the list of contacts (see Column 5, Lines 13-19).

Katzur also discloses a voice recognition component configured to receive and digitize a verbal expression from the user (see Column 4, Lines 58-67), and to designate the contact with a digitized verbal identifier that matches the digitized verbal expression as the selected contact (see Column 5, Lines 1-6 and Lines 13-19).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the remote control, as taught by August and the Nokia 252C Cell Phone Owner's Manual, to include the voice recognition system, as taught by Katzur, for the purpose of allowing a vision impaired person to answer the telephone using voice commands (see Column 5, Lines 35-38 of Katzur).

5. Claims 15, 34 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (U.S. Patent No. 5,671,267) in view of the Nokia 252C Cell Phone Owner's Manual in further view of Maes et al. (U.S. Patent No. 6,442,251).

Referring to claim 15, August discloses receiving a new contact from an external electronic device (see Column 11, Lines 48-55 for the set-top box determining the calling parties identification information and sending the identification information to the remote control for display). August fails to disclose that the new contact information is sent from a list stored on the external electronic device.

Maes discloses that when two phones initiate contact with one another, a note can be created, which allows the user to store the number in a list for future use, therefore, if a user A saves user B's phone number, but user B did not save user A's phone number, when user A uses the stored number for user B to call user B, user B can then have the option to save user A's phone number for future use, thereby teaching receiving a new contact from a list stored in an external device (see Figure 7 and Column 2, Lines 3-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the phone/remote control device, as taught by August and the Nokia 252C Cell Phone Owner's Manual, to include the incoming caller saving option, as taught by Maes for the purpose of allowing a user to update the information from an incoming caller in his/her address book (see Column 2, Lines 13-15 of Maes).

Referring to claims 34 and 52, see the rejection of claim 15.

6. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (U.S. Patent No. 5,671,267) in view of the Nokia 252C Cell Phone Owner's Manual in further view of Fernandez et al. (U.S. Patent No. 6,339,842).

Referring to claim 37, August and Doganata disclose all of the limitations in claims 35-36, but fails to teach an Internet communication component to provide the conferencing between two users.

Fernandez discloses a set-top box/DTV in Figure 3, which is used to provide conferencing between users and also uses a broadband communications component such as the Internet as a communication medium to do so (see Column 1, Line 63 through Column 2, Line 34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the communications network, as taught by August and of the Nokia 252C Cell Phone Owner's Manual, to utilize the Internet, as taught by Fernandez, for the purpose of emulating luxury-suite or otherwise more collaborative, intimate or personal conditions among associated audience members located at different location (see Column 5, Lines 1-6 of Fernandez).

7. Claims 20-28, 39-40 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (U.S. Patent No. 5,671,267) in view of Canderone et al. (U.S. Patent Application No. 2001/0056350).

Referring to claim 20, see the rejection of claim 1 for August teaching the limitations regarding the remote control device, and further note that August discloses a set-top box 32 in Figure 5 having a wireless receiver (antenna 214 and duplexer 215 in Figure 2) for receiving the address corresponding to the selected contact from the remote control (see Column 4, Line 66 through Column 5, Lines 1-11 and Column 6, Lines 35-57), the set top box 32 being further configured to establish two-way communication with the selected contact via the interactive television system (see Column 9, Line 48 through Column 10, Line 44).



August also discloses that the interactive television system comprises an output device for generating television output (see television 60 in Figure 5 that outputs audio of the television program the viewer is currently watching), wherein the remote control comprises an input device for capturing an audio signal including the television output and the user's voice (see microphone 122 at Column 5, Lines 17-20, which if the television is turned on, inherently captures both the user's voice and the television audible output),

August fails to teach that the set top box comprises a noise cancellation component to cancel the television output from the captured first audio signal and pass the user's voice.

Canderone also discloses an interactive television system that contains a remote control that accepts voice commands (see Paragraph 0106). Canderone further discloses that the remote control or the set-top box can contain noise cancellation functionality so that only the user's voice passes and not the television output, or any other type of external noise that would interfere with the audible signal captured by the remote control (see Paragraphs 0110, 0112, 0140, 0141, 0259 and 0266 to support that the noise cancellation can be performed by the set-top box instead of the remote control).

Applicant has further amended the claims to state "*a noise cancellation component to substantially cancel the television audio output from the captured first audio signal and pass the user's voice by obtaining a television audio output signal directly from the set top box before being reproduced by the output device and*

removing the television audio output signal from the captured first audio signal". The examiner notes that Canderone clearly teaches that echo/noise cancellation techniques can be used (see Paragraph 0112) and that the noise cancellation can take place in the set-top box (see Paragraph 0266). The examiner notes that according to the definition of echo cancellation (see the Wikipedia entry for echo cancellation provided by the examiner) in order to eliminate unwanted echo noise from an audio signal, the audio that is being echoed (and input into the echo cancellation circuitry) must be recognized and also input into the echo cancellation circuitry in order to subtract the reference signal from the inputted voice signal that includes the television audio output so that the television audio output can be eliminated from the voice signal inputted by the user, thereby eliminating any unnecessary "echo". Therefore, the additional recitation provided by applicant in the claims simply describe how the echo/noise cancellation operations in the system of Canderone.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the set top box, as taught by August, to include the noise cancellation functionality, as taught by Canderone, for the purpose of allowing the set-top box of the interactive system to filter the user's voice from any background noise that could be occurring in the area of the user, thereby providing a clear communication between two users by allowing another user to only hear the user's voice.

Referring to claim 21, August discloses that the input device is a microphone to capture the user's voice for transmission to the set top box via the wireless transmitter (see Column 5, Lines 17-20).

August also discloses a wireless receiver to receive a second audio signal and a speaker configured to generate audible output from the second audio signal (see Column 5, Lines 10-17).

Referring to claim 22, see the rejection of claim 5 for August teaching these limitations.

Referring to claims 23-24, see the rejection of claim 1 for August teaching these limitations.

Referring to claim 25, see the rejection of claim 21.

Referring to claim 26, see the rejection of claim 22.

Referring to claim 27, August discloses that the set top box comprises a memory configured to store the list of contacts (see Column 10, Lines 33-34).

Referring to claim 28, August discloses that the contacts are displayed on a television of the interactive television system (see Figures 2 and 5).

Referring to claim 39, see the rejection of claim 20.

Referring to claim 40, see the rejection of claim 20.

Referring to claims 57-58, see the rejection of claim 39.

Referring to claim 59, see the rejection of claims 1 and 20.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

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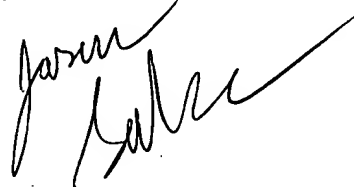
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

February 6, 2007

**JASON SALCE**  
**PRIMARY PATENT EXAMINER**

A handwritten signature in black ink, appearing to read 'Jason Salce', is written over the printed name and title.